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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,635	08/29/2001	Nader Asghari-Kamrani		5599

7590 07/15/2005

NADER ASGHARI-KAMRANI  
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EXAMINER

NOBAHAR, ABDULHAKIM

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/940,635	ASGHARI-KAMRANI ET AL.
	Examiner Abdulhakim Nobahar	Art Unit 2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 April 2005.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-5 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1)  Notice of References Cited (PTO-892)  
 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_.  
 4)  Interview Summary (PTO-413)  
     Paper No(s)/Mail Date \_\_\_\_\_.  
 5)  Notice of Informal Patent Application (PTO-152)  
 6)  Other: \_\_\_\_\_.

***Response to Arguments***

1. This communication is in response to applicant's response received on April 27, 2005.
2. Applicant's arguments have been fully considered but they are not persuasive.
3. On page 3 of the remarks, in paragraph 3 applicants argue that: "The patents mentioned on the Notice of References Cited sheet are intended to solve different problems than our invention. Therefore, there are no correlations between what those patents are solving and what the current invention is suggesting to solve."

Applicants may be true in their arguments that their claimed invention may have different applicability than Harif invention, but Harif teaches the claim limitations of the instant application as it has been pointed out in the previous office action. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

4. On page 3 of the remarks, in paragraph 6 applicants argue that: "The patent of Asgharl-Kamrani et al (application 09/940,635) is for identification of users over a communication network such as Internet to answer the Authentication Problem 2 and not for identifying and binding a process."

In response to applicants' argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the user/customer does not have an existing relationship with the enterprise/business.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

5. In light of the above submission the previous rejection of claims is maintained.

#### DETAILED ACTION

##### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Harif (200/0087881 A1).

1. Regarding claim 1, Harif discloses a system and a method for identifying an individual over a communication network (see [0029]) comprising:
  - a user that needs to be identified in e-commerce (see [0033] and Fig. 1);
  - a central-entity that provides digital identity to the users to positively identify themselves in e-commerce (see [0036], [0045], [0052] and Fig. 1, where the financial resolution center 22 that corresponds to the recited central-entity provides to the user a task identity corresponding to the recited digital identity);
  - an external-entity offering goods or services and needs to authenticate the users in e-commerce (see [0033], [0036], [0042] and Fig. 1, where the server 14 corresponds to the recited external-entity);
  - a communication network for the user, the central-entity and the external-entity to send and receive information between each other (see [0013], [0015] and [0029]).
2. Regarding claim 2, Harif discloses a digital identity includes SecureCode and other information such as UserName (see [0052]).
3. Regarding claim 3, Harif discloses a SecureCode is a dynamic, non-predictable and time dependent alphanumeric code, secret code, PIN or other code (see [0036], where the one-time password corresponds to the recited time dependent alphanumeric code and [0052], the unique identifier which is valid until a task completed corresponds to the recited a dynamic, non-predictable SecureCode).

4. Regarding claim 4, Harif discloses a communication network includes Internet, wireless and private networks (see [0006] and [0029]).

5. Regarding claim 5, this claim is rejected as applied to the like elements of claims 1-4 as stated above and further the following:

Harif discloses a system and a method for identifying an individual (see [0029]) comprising the steps:

The user registers at the Central-Entity (see [0029], where a pre-established association corresponds to user registration);

The user provides his personal and/or financial information to the Central-Entity (see [0011], [0012] and [0015], [0045] and [0052]);

The user receives his unique UserName and Password from the Central-Entity (see [0036], [0045], and [0052]);

The user attempts to get access to a restricted web site or to buy goods and/or services from an External-Entity (see [009], [0011], [0033] and [036]);

The External-Entity requests the user to authenticate himself using his digital identity (see [009], [0036], [0042] and [0052]);

The user requests SecureCode from the Central-Entity (see [0036], [0045], and [0052]);

The Central-Entity generates dynamic, non-predictable and time dependable SecureCode for the user (see [0036], where the one-time password corresponds to the recited time dependent alphanumeric code and [0052], the unique identifier which is

valid until a task completed corresponds to the recited a dynamic, non-predictable SecureCode);

The Central-Entity stores a copy of the SecureCode and sends out the SecureCode to the user over a communication network (see [0036], [0045] and [0052]);

The user receives the SecureCode over a communication network (see [0029]);

The user submits his SecureCode as part of the digital identity in response to External-Entity's request (see [0053]);

The External-Entity forwards the user's digital identity along with the identification and authentication request to the Central-Entity over a communication network (see [0029], [0053] and Fig. 1);

The Central-Entity retrieves the user's digital identity including the SecureCode from the system (see [0053]-[0054] and Fig. 1);

The Central-Entity compares the retrieved users digital identity with the digital identity received from the External-Entity (see [0053]-[0054] and Fig. 1);

The Central-Entity sends approval identification and authorization message to the External-Entity when the digital identity forwarded to the Central-Entity, matches the users digital identity retrieved from the system (see [0017], [0036], [0053]-[0054] and Fig. 1);

The Central-Entity sends a denial identification and authorization message to the External-Entity when the digital identity forwarded to the Central-Entity does not match the users digital identity retrieved from the system (see [009], [0050]-[0051] and Fig. 8, 215).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdulhakim Nobahar whose telephone number is 571-272-3808. The examiner can normally be reached on M-T 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdulhakim Nobahar  
Examiner  
Art Unit 2132

*A.N.*

July 12, 2005

*Gilberto Barron Jr.*  
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